

APPLICANT(S): Sergey POPOV
SERIAL NO.: 10/579,534
I.A. FILED: November 11, 2004

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

35 U.S.C. § 103 Rejections

Claims 67-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,755,709 to Cuppy, herein after referred to as C, in view of U.S. Patent PG Publication No. 2004/0181192, herein after referred to as D. Applicant respectfully traverses this rejection in view of the remarks that follow.

Claim 67 recites, *inter alia*

“...a catheter...;

...a needle assembly...;

...a catheter cap...said catheter cap being detachably mounted on said needle assembly”

The recited catheter and needle assembly appear as two distinct claim elements in claim 67, where the catheter cap is further limited to being “detachably mounted on said needle assembly.” While C describes both a catheter and a needle assembly, C does not describe a catheter cap. D describes a catheter cap 100, which the Examiner asserts is detachably mounted to a “needle assembly 90”. However, D clearly shows catheter cap 100 as being attached to sub-housing 80 (see Figs. 1-3, *inter alia*), which is a side port of an access device that is attached to a catheter. Furthermore, D’s element 90 is not a needle assembly, but is clearly described as a “luer projection” extending from sub-housing 80, as “Sub-housing 80 includes luer projections 90 at port 36 end” (see paragraph [0039]). where “luer projections 90 are adapted to engage a correspond[ing] luer collar or cap 100, 102”. Finally, luer projection 90 being *adapted to engage* a cap 100 is not a description of cap 100 being detachably mounted on luer projection 90, let

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alone on a needle assembly. Thus, D's catheter cap 100 is not shown or described as detachably mounted on a needle assembly.

In order to support a *prima facie* case of obviousness, all claim limitations must be taught or suggested by the prior art (see *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974)). Applicant respectfully submits a *prima facie* case of obviousness is therefore not supported, as neither C nor D, alone or in combination, teach or suggest a catheter cap that is detachably mounted on a needle assembly. Claim 67 is therefore deemed allowable.

Claims 68 – 74 depend from claim 67 and are, *a fortiori*, deemed allowable.

In view of the arguments presented above, Applicant respectfully requests that the rejection of claims 67 – 74 under 35 U.S.C. §103(a) be withdrawn.

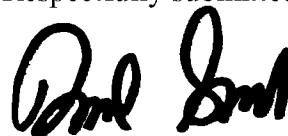
Petition For Three-Month Extension Of Time Under 37 CFR 1.136(a)

The period for filing a response to the instant Office Action was set to expire on June 23, 2010. Applicant hereby requests that the period for filing a response be extended by three (3) months, so as to expire on September 23, 2010. Accordingly, this response is being timely filed.

The fee for a Petition for a Three-Month Extension of Time is Five Hundred and Fifty-Five Dollars (\$555.00) dollars for a small entity, for which credit card payment is provided herewith via EFS-Web. However, The United States Patent and Trademark Office is hereby authorized to charge Deposit Account No. 501380 any fee which is necessary in connection with the filing of this response and petition.

Favorable action is courteously solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel J. Swirsky', written in a cursive style.

Daniel J. Swirsky
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